

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

NATHANIEL DWAYNE CAETANO,
Plaintiff,
v.
DEPOSITORY TRUST COMPANY,
Defendant.

Case No. 1:22-cv-00679-SKO

ORDER GRANTING APPLICATION TO
PROCEED *IN FORMA PAUPERIS* AND
DIRECTING PAYMENT
OF INMATE FILING FEE BY THE
CALIFORNIA DEPARTMENT OF
CORRECTIONS AND REHABILITATION

(Doc. 2)

Plaintiff is a state prisoner proceeding *pro se* pursuant to 42 U.S.C. § 1983 and has requested leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. (Doc. 2.) Plaintiff has made the showing required by § 1915(a) and accordingly, the request to proceed in forma pauperis will be granted. Plaintiff is obligated to pay the statutory filing fee of \$350.00 for this action. 28 U.S.C. § 1915(b)(1). Plaintiff is obligated to make monthly payments in the amount of twenty percent of the preceding month's income credited to Plaintiff's trust account. The California Department of Corrections and Rehabilitation is required to send to the Clerk of Court payments from Plaintiff's account each time the amount in the account exceeds \$10, until the statutory filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

As to the status of his complaint, Plaintiff is advised that, pursuant to 28 U.S.C. § 1915(e)(2), the court must conduct an initial review of every *pro se* complaint proceeding *in forma*

1 *pauperis* to determine whether it is legally sufficient under the applicable pleading standards. The
2 court must dismiss a complaint, or portion thereof, if the court determines that the complaint is
3 legally frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks
4 monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2). If the
5 court determines that the complaint fails to state a claim, leave to amend may be granted to the
6 extent that the deficiencies in the complaint can be cured by amendment. Plaintiff's complaint will
7 be screened in due course.

8 If appropriate after the case has been screened, the Clerk of Court will provide Plaintiff with
9 the requisite forms and instructions to request the assistance of the United States Marshal in serving
10 the defendant pursuant to Federal Rule of Civil Procedure 4.

11 In accordance with the above and good cause appearing therefore, IT IS HEREBY
12 ORDERED that:

13 1. Plaintiff's application to proceed in forma pauperis (Doc. 2) is GRANTED.

14 2. **The Director of the California Department of Corrections and Rehabilitation**
15 **or an appropriate designee shall collect payments from Plaintiff's prison trust account in an**
16 **amount equal to twenty percent (20%) of the preceding month's income credited to the**
17 **prisoner's trust account, and shall forward those payments to the Clerk of Court each time**
18 **the amount in the account exceeds \$10.00, in accordance with 28 U.S.C. § 1915(b)(2), until a**
19 **total of \$350.00 has been collected and forwarded to the Clerk of Court. The payments shall**
20 **be clearly identified by the name and number assigned to this action.**

21 3. The Clerk of Court is directed to serve a copy of this order and a copy of Plaintiff's
22 *in forma pauperis* application on the Director of the California Department of Corrections and
23 Rehabilitation, via the court's electronic case filing system (CM/ECF).

24 4. The Clerk of Court is directed to serve a copy of this order on the Financial
25 Department, U.S. District Court, Eastern District of California, Sacramento Division.

26 IT IS SO ORDERED.

27 Dated: **June 7, 2022**

/s/ Sheila K. Oberto

UNITED STATES MAGISTRATE JUDGE